

AMENDED IN ASSEMBLY SEPTEMBER 7, 2005

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 813

Introduced by Senator Denham

(Coauthor: Senator Machado)

(Coauthors: ~~Assembly Members Aghazarian and Cogdill~~ Coauthor:
Assembly Member Wolk)

February 22, 2005

An act to ~~add Section 17075.20 to~~ amend Sections 17071.33 and 17071.75 of, to amend and repeal Section 17017.7 of, and to repeal Sections 17071.35 and 17071.40 of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 813, as amended, Denham. School facilities: ~~hardship assistance.~~

(1) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976, authorizes the State Allocation Board to apportion state funding to applicant school districts for designated school facilities construction purposes. Existing law provides a priority schedule for the approval of project funding for new construction with respect to multitrack year-round schools.

This bill would provide that those provisions regarding the priority schedule are in effect only until January 1, 2012, and are repealed as of that date.

(2) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law requires an applicant school district for new construction to submit to the board a one-time report of existing school building capacity, to be calculated pursuant to a specified formula. Existing law requires, for purposes of determining existing school building capacity, the calculation to be adjusted as required for first priority status, as provided.

This bill would require that calculation adjustment to be phased out over the next 6 years, commencing January 1, 2006, as provided.

Existing law provides that a school district's ongoing eligibility for new construction funding is determined by making calculations related to certain factors, including, but not limited to, enrollment projections, the number of pupils that may be adequately housed in the existing school building capacity of the district, and increases or decreases in enrollment resulting from the Year-Round School Grant Program.

This bill would prohibit the enrollment changes reported under the Year-Round School Grant Program from reducing a school district's ongoing eligibility for new construction funding, if the school district provides specified evidence.

(3) This bill would make related changes.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law permits a school district to apply for hardship assistance in cases of extraordinary circumstances and requires the school district, in certain cases, to demonstrate that due to unusual circumstances that are beyond the control of the district, excessive costs need to be incurred in the construction of school facilities.~~

~~This bill would require the State Allocation Board to review the adequacy of hardship funding available to school districts and to provide findings and recommendations to the Legislature by March 15, 2006, as specified.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17017.7 of the Education Code is
2 amended to read:

1 17017.7. (a) Notwithstanding any other provision of this
2 chapter, priority for the approval of project funding for new
3 construction under this chapter, shall be as follows:

4 (1) First priority for construction funds shall be given to
5 school districts with a substantial enrollment in multitrack
6 year-round schools requesting state funding for 50 percent of the
7 cost of a project that would be constructed to operate on a
8 multitrack year-round basis.

9 (2) Second priority shall be for school districts with a
10 substantial enrollment in multitrack year-round schools
11 requesting state funding for the entire cost of a project that would
12 be constructed to operate on a multitrack year-round basis.

13 (3) Third priority shall be for school districts without a
14 substantial enrollment in multitrack year-round schools
15 requesting state funding for 50 percent of the cost of a project to
16 operate on a multitrack year-round basis.

17 (4) Fourth priority shall be for school districts without a
18 substantial enrollment in multitrack year-round schools
19 requesting state funding for the entire cost of a project that would
20 be constructed to operate on a multitrack year-round basis.

21 (5) Fifth priority shall be for school districts with a substantial
22 enrollment in multitrack year-round schools requesting state
23 funding for 50 percent of the cost of a project that would not
24 operate on a multitrack year-round basis.

25 (6) Sixth priority shall be for school districts with a substantial
26 enrollment in multitrack year-round schools requesting state
27 funding for the entire cost of a project that would not operate on
28 a multitrack year-round basis.

29 (b) The board shall not restrict the availability of funding for
30 construction of multitrack year-round schools, from any funding
31 source available to the State School Building Lease-Purchase
32 Fund, but shall make approval of project funding for those
33 projects the first priority in accordance with this section.

34 (c) "Substantial enrollment," for the purposes of this section,
35 means enrollment of at least 30 percent of district pupils in
36 kindergarten and grades 1 to 6, inclusive, or 40 percent of pupils
37 in kindergarten and grades 1 to 12, inclusive, in the high school
38 attendance area for which the school district is applying for new
39 facilities. The calculation set forth in this subdivision, as to a
40 self-certifying district, shall be made by the district, in

1 accordance with any standards governing that calculation that are
2 adopted by the board. The calculation shall be certified by the
3 district to the board and used by the board for the purposes of this
4 section. The self-certifying district shall maintain documentation
5 of the calculation as may be required by the board, and the
6 calculation shall be subject to subsequent audit as the board may
7 direct. If a self-certifying district is found by the board to have
8 materially misrepresented its pupil enrollment pursuant to this
9 subdivision, the board may impose either or both of the penalties
10 set forth in paragraphs (1) and (2) of subdivision (b) of Section
11 17041.2, in accordance with that section.

12 (d) “Multitrack year-round school,” for purposes of this
13 section, means a school for which the applicant *school* district
14 demonstrates that both of the following criteria are satisfied:

15 (1) The pupils are divided into three or more groups or tracks,
16 which rotate attendance so that, for a majority of schooldays
17 during the school year, at least one group or track is not attending
18 the school while all other groups or tracks are in attendance.

19 (2) The operation of the school on a multitrack year-round
20 basis has resulted in an increase in enrollment capacity.

21 (e) Notwithstanding any other provision of this section, the
22 State Allocation Board may continue to implement any
23 year-round school priority provisions for hardships adopted prior
24 to September 1, 1990.

25 (f) *This section shall remain in effect only until January 1,*
26 *2012, and as of that date is repealed, unless a later enacted*
27 *statute, that is enacted before January 1, 2012, deletes or extends*
28 *that date.*

29 SEC. 2. *Section 17071.33 of the Education Code is amended*
30 *to read:*

31 17071.33. (a) For the purposes of determining existing
32 school building capacity, the calculation shall be adjusted as
33 required for first priority status pursuant to Section 17017.7 as
34 that calculation would have been made under the policies of the
35 board in effect immediately preceding September 1, 1998. *The*
36 *calculation adjustment shall be phased out over the next six*
37 *years, commencing January 1, 2006, so that the percentage*
38 *requirement specified in subdivision (c) of Section 17017.7 for*
39 *kindergarten and grades 1 to 6, inclusive, is reduced by five*
40 *percentage points each of those years, and the percentage for*

1 kindergarten and grades 1 to 12, inclusive, is reduced by an
2 equal amount for each of these years.

3 (b) Notwithstanding subdivision (a), with respect to a high
4 school district, the existing school building capacity shall be
5 calculated without regard to multitrack year-round school
6 considerations.

7 *SEC. 3. Section 17071.35 of the Education Code is repealed.*

8 ~~17071.35. Notwithstanding any other provisions of law, the
9 maximum school building capacity for each applicant district
10 shall be increased by the number of pupils reported by the
11 Superintendent of Public Instruction for that grade level pursuant
12 to Section 42268. This adjustment shall be calculated on the
13 basis, at the district's option, of either the district as a whole or
14 the appropriate attendance area.~~

15 *SEC. 4. Section 17071.40 of the Education Code is repealed.*

16 ~~17071.40. Each school on a year-round, multitrack calendar
17 that has a density of 200 or more pupils enrolled per acre, that is
18 located in a school district with 40 percent of its pupils attending
19 multitrack, year-round schools shall be exempted from the
20 increase in school building capacity required by Section
21 17071.35. Nothing in this section shall be construed as
22 exempting the school from the requirements of Section 17071.33.~~

23 *SEC. 5. Section 17071.75 of the Education Code is amended*
24 *to read:*

25 17071.75. After a one-time initial report of existing school
26 building capacity has been completed, a school district's ongoing
27 eligibility for new construction funding shall be determined by
28 making all of the following calculations:

29 (a) Each school district that applies to receive funding for new
30 construction shall calculate enrollment projections for the fifth
31 year beyond the fiscal year in which the application is made.
32 Projected enrollment shall be determined by utilizing the cohort
33 survival enrollment projection system, as defined and approved
34 by the board. The board may supplement the cohort survival
35 enrollment projection by the number of unhoused pupils that are
36 anticipated as a result of dwelling units proposed pursuant to
37 approved and valid tentative subdivision maps.

38 (b) Add the number of pupils that may be adequately housed
39 in the existing school building capacity of the applicant district as
40 determined pursuant to Article 2 (commencing with Section

1 17071.10) to the number of pupils for which facilities were
2 provided from any state or local funding source after the existing
3 school building capacity was determined pursuant to Article 2
4 (commencing with Section 17071.10). For this purpose, the total
5 number of pupils for which facilities were provided shall be
6 determined using the pupil loading formula set forth in Section
7 17071.25.

8 (c) Subtract the number of pupils pursuant to subdivision (b)
9 from the number of pupils determined pursuant to subdivision
10 (a).

11 (d) The calculations required to establish eligibility under this
12 article shall result in a distinction between the number of existing
13 unhoused pupils and the number of projected unhoused pupils.

14 (e) (1) Apply the increase or decrease resulting from the
15 difference between the most recent report made pursuant to
16 Section 42268, and the report used in determining the school
17 district's baseline capacity pursuant to subdivision (a) of Section
18 17071.25.

19 (2) *Eligibility shall not be reduced pursuant to paragraph (1)*
20 *in any year for a school for which the school district provides*
21 *evidence that the school district will complete a project within*
22 *three years that will house the pupils for whom grants were*
23 *requested pursuant to Section 42260.*

24 (f) For a school district with an enrollment of 2,500, or less, an
25 adjustment in enrollment projections shall not result in a loss of
26 ongoing eligibility to that school district for a period of three
27 years from the date of the approval of eligibility by the board.

28 ~~SECTION 1. Section 17075.20 is added to the Education~~
29 ~~Code, to read:~~

30 ~~17075.20. The board shall review the adequacy of hardship~~
31 ~~funding available to school districts eligible pursuant to~~
32 ~~paragraph (1) of subdivision (b) of Section 17075.10, and shall~~
33 ~~provide findings and recommendations to the Legislature by~~
34 ~~March 15, 2006, that will assist in achieving equity in the total~~
35 ~~funds available for projects in school districts that both qualify~~
36 ~~and do not qualify for hardship funding pursuant to paragraph (1)~~
37 ~~of subdivision (b) of Section 17075.10.~~